

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

THOMAS STRAWN, M.D.

Holder of License No. 27620
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-04-0449A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Thomas Strawn, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. Respondent acknowledges and understands that this Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Respondent acknowledges and agrees that, although the Consent
4 Agreement has not yet been accepted by the Board and issued by the Executive Director,
5 upon signing this agreement, and returning this document (or a copy thereof) to the
6 Board's Executive Director, Respondent may not revoke the acceptance of the Consent
7 Agreement. Respondent may not make any modifications to the document. Any
8 modifications to this original document are ineffective and void unless mutually approved
9 by the parties.

10 6. Respondent further understands that this Consent Agreement, once
11 approved and signed, is a public record that may be publicly disseminated as a formal
12 action of the Board and will be reported to the National Practitioner Data Bank and to the
13 Arizona Medical Board's website.

14 7. If any part of the Consent Agreement is later declared void or otherwise
15 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
16 and effect.

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20 
THOMAS STRAWN, M.D.

DATED: 4-14-05

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 27620 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-04-0449 after receiving notification of a
7 malpractice settlement involving Respondent's care and treatment of a 47 year-old male
8 patient ("B.H.).

9 4. In April 2000 B.H. presented to Respondent complaining of pain in the right
10 groin for ten years duration. BH reported seeing multiple physicians and according to
11 Respondent, had "tried all no surgical options without relief."

12 5. On May 12, 2000 Respondent performed a right groin exploration and
13 reported that he found and repaired a hernia.

14 6. B.H. continued to have persistent pain.

15 7. In October 2000 BH consulted a second surgeon ("General Surgeon").
16 General Surgeon noted that B.H.'s symptoms began on October 1, 1999 and that he felt a
17 recurrence of pain in the right groin on March 3, 2000 when lifting objects weighing 30-40
18 pounds. General Surgeon noted that BH's pain was somewhat improved with Neurontin
19 300 mg and that BH had undergone several injections of local anesthetics with steroids
20 without relief.

21 8. On October 5, 2000 General Surgeon conducted a right groin exploration
22 and found that several large pieces of Tevdek suture (permanent sutures) had
23 incorporated a portion of the external abdominal oblique muscle, the internal ring, a portion
24 of the vas deferens, branches of the genitofemoral nerve, and other external abdominal
25

1 oblique fascia. General Surgeon removed two large Tedvek sutures and freed up the
2 surrounding tissues.

3 9. The freeing up of sutures necessitated the need for another hernia repair that
4 was conducted on December 22, 2000. BH continued to have testicular pain. He was
5 subsequently treated for the testicular pain by orchiectomy on July 24, 2001.

6 10. In Respondent's written response to the Board, he denied using permanent
7 sutures and stated "it would have been technically impossible for the second surgeon to
8 have found permanent sutures in the areas he claims in his operative note."

9 11. The standard of care required Respondent to place sutures around the
10 appropriate structures during a hernia repair surgery.

11 12. Respondent deviated from the standard of care because he negligently
12 performed a hernia repair by placing sutures around the inappropriate structures resulting
13 in the need for further surgery.

14 13. BH was harmed because he suffered prolonged pain at the surgical site. He
15 needed multiple additional procedures to attempt to control the pain and a repeat
16 operation. BH also suffered from an eventual loss of his testicle.

17 CONCLUSIONS OF LAW

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.

20 2. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401 (27)(II) – ("conduct that the board determines is
22 gross negligence, repeated negligence or negligence resulting in harm to or the death of a
23 patient.").

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) - ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

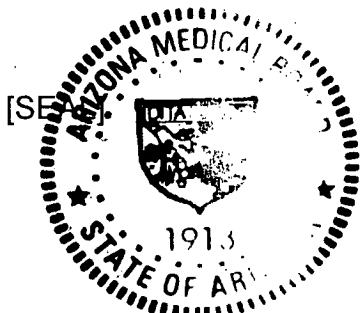
ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for negligently performing hernia repair surgery by placing sutures around the inappropriate structures resulting in the need for further surgery.

2. This Order is the final disposition of case number MD-04-0449.

DATED AND EFFECTIVE this 11th day of May, 2005.



ARIZONA MEDICAL BOARD

By Timothy C. Miller
TIMOTHY C. MILLER, J.D.
Executive Director

ORIGINAL of the foregoing filed this 13th day of May, 2005 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed this 13th day of May, 2005 to:

Thomas Strawn, M.D.
Address of Record

Thomas Strawn
Quality Assurance